

**Notice of Allowability**

Application No.

09/532,890

Examiner

James A. Reagan

Applicant(s)

FULGONI ET AL.

Art Unit

3621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Interview conducted on 15 May 2006.
2. ☒ The allowed claim(s) is/are 18,19,21-30 and 37-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DETAILED ACTION**

**Status of Claims**

1. This action is in response to the Interview conducted on 15 May 2006.
2. Claims 18 and 21 have been amended by Examiner's Amendment below.
3. Claim 20 has been cancelled by Examiner's Amendment below.
4. Claims 37-40 have been added by Examiner's Amendment below.
5. Claims 18, 19, 21-30, and 37-40 are currently pending and have been examined.

**Information Disclosure Statement**

6. The Information Disclosure Statement filed has been considered. An initialed copy of the Form 1449 is enclosed herewith.

**Allowable Subject Matter**

7. Claims 18, 19, 21-30, and 37-40 are allowed. See Reasons for Allowance under separate heading.

**EXAMINER'S AMENDMENT**

8. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

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9. Authorization for this examiner's amendment was given in a telephone interview with Matthew T. Shanley on 15 May 2006.

10. The application has been amended as follows:

1-17. (Cancelled).

18. (Currently Amended) A method of collecting consumer data, comprising:

offering one or more incentives for prospective consumers to register with a provider of services;

receiving a request at the provider of services from a consumer to register with the provider of services to receive at least one of the offered incentives;

registering the consumer with the provider of services, wherein registering the consumer includes receiving consumer-specific information about the consumer;

assigning a unique identifier to at least one of the registered consumer and a computer of the registered consumer that is connected to a network to record network activity of the registered consumer using the unique identifier at the provider of services, wherein the unique identifier is persistent across different network sessions and the network is the Internet;

modifying a browser application on the registered consumer's computer to enable communications sent to and from the registered consumer's computer to be directed through the provider of services, located at a domain on the network, to record the network activity of the registered consumer;

directing at least some communications addressed to the destination server on the network from the registered consumer's computer to a server of the provider of services;

receiving at the provider of services data requests from the registered consumer's computer addressed to the destination server;

recording at the provider of services at least part of the received data requests as associated with the unique identifier;

communicating the received data requests from the provider of services to the destination server capable of fulfilling the received data requests;

receiving data at the provider of services in response to the received data requests from the destination server;

recording at the provider of services at least part of the received data as associated with the unique identifier;

communicating the received data from the provider of services to the registered consumer's computer;

aggregating the received data requests and received data associated with more than one unique identifier based on the recorded network activity of the registered consumers associated with the unique identifiers; and

generating a database by the provider of services of individual and aggregated consumer network activity, wherein the individual consumer network activity includes the received data requests and the received data that is recorded as being associated with the unique identifier, and wherein the aggregated consumer network activity includes the received data requests and the received data that is aggregated as being associated with the more than one unique identifiers.

19. (Previously Presented) The method according to claim 18, wherein the offered incentives include at least one of faster network delivery and performing data caching.

20. (Cancelled) .

21. (Currently Amended) The method according to claim ~~[[20]]~~ 18, wherein the ~~personal~~ consumer-specific information comprises ~~includes at least one of~~ consumer age,

~~consumer income level, consumer education level, consumer gender and consumer household size.~~

22. (Previously Presented) The method according to claim 18, wherein the consumer network activity includes transaction information, the transaction information including at least one of time of transmission of a data set, location of computing device, date of transmission of a data set, currency paid, type of product purchased, product purchased, type of service purchased, network address of the intended recipient of a data set, click-through address, banner advertisement impression, and permission e-mail received, and combinations thereof.

23. (Previously Presented) The method according to claim 18, wherein the recording at least part of the received data includes filtering the received data so that only data of interest is recorded.

24. (Previously Presented) The method according to claim 23, wherein the filtering is based on a known format of a web page in the received data.

25. (Previously Presented) The method according to claim 18, further comprising generating a log of the consumer network activity by the provider of services, the log including consumer demographics as well as particular URLs visited by the consumer.

26. (Previously Presented) The method according to claim 18, further comprising analyzing the database of consumer network activity to extract estimates of projected revenue of a particular entity.

27. (Previously Presented) The method according to claim 18, further comprising analyzing the database of consumer network activity to extract estimates of commerce.

28. (Previously Presented) The method according to claim 18, wherein the recording at least part of the received data requests includes:

when the provider of services receives a request for data in a secure session from a computer of the consumer, negotiating by the server of the provider of services a separate secure session with the computer of the consumer, thus initiating a secure session with computer of the consumer;

communicating the received request for data from a server of the provider of services to the destination server capable of supplying the data;

negotiating by the server of the provider of services another secure session with the destination server for the requested data;

receiving at the server of the provider of services the requested data sent by the destination server during the secure session with the destination server;

recording at least part of the data received from the destination server at the provider of services; and

re-addressing the received data for delivery to the computer of the consumer during the secure session between the server of the provider of services and the computer of the consumer,

whereby the server of the provider of services securely transfers data to and from the computer of the consumer to the destination server and at a same time monitors the content of the secured data.

29. (Previously Presented) The method according to claim 28, wherein the request for data is augmented with the unique identifier when transmitted to the destination server.

30. (Previously Presented) The method according to claim 18, wherein provider of services is independent of providers of access to the Internet .

Claims 31-36 (Cancelled).

37. (New) The method according to claim 18, wherein the consumer-specific information comprises consumer income level.

38. (New) The method according to claim 18, wherein the consumer-specific information comprises consumer education level

39. (New) The method according to claim 18, wherein the consumer-specific information comprises consumer gender.

40. (New) The method according to claim 18, wherein the consumer-specific information comprises consumer household size.

#### **Reasons For Allowance**

11. The following is an Examiner's statement of reasons for allowance:

None of the art of record, taken individually or combination, disclose at least the method step or system components of:

- *offering one or more incentives for prospective consumers to register with a provider of services;*

- *receiving a request at the provider of services from a consumer to register with the provider of services to receive at least one of the offered incentives;*
- *registering the consumer with the provider of services, wherein registering the consumer includes receiving consumer-specific information about the consumer;*
- *assigning a unique identifier to at least one of the registered consumer and a computer of the registered consumer that is connected to a network to record network activity of the registered consumer using the unique identifier at the provider of services, wherein the unique identifier is persistent across different network sessions and the network is the Internet;*
- *modifying a browser application on the registered consumer's computer to enable communications sent to and from the registered consumer's computer to be directed through the provider of services, located at a domain on the network, to record the network activity of the registered consumer;*

More specifically, the prior art of record fails to disclose registering a consumer by receiving customer-specific information and modifying a web browser, and subsequently routing communications to an intermediary location to track the activity of the registered consumer by utilizing a persistent unique identifier. Independent claim 18 is distinguished over the closest prior art of Chelliah et al. (US 5,710,887 A) and Pistriotto et al. (US 6,138,162 A), which teaches using incentives to encourage registration of users. As recited in independent claim 18, it is clear that the Applicant's invention is distinguished over the Chelliah and Pistriotto disclosures in at least the method steps outlined above.



### Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- CROSS et al (WO 200250694 A1) discloses user browser activity tracking method in Internet, involves deriving logging session information from event message that includes session identifier corresponding to content served by particular network server to user.

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Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

**Washington, D.C. 20231**

or faxed to:

**571-273-8300** [Official communications, After Final communications labeled "Box AF"]

**571-273-8300** [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

JAMES A. REAGAN

Primary Examiner

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16 May 2006

**JAMES A. REAGAN  
PRIMARY EXAMINER**  
